

CALENDAR ITEM

C63

A 76

06/28/16

PRC 3228.9

S 36

K. Foster

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

San Elijo Joint Powers Authority
2695 Manchester Avenue
Cardiff by the Sea, CA 92007-7077

City of Escondido
201 North Broadway
Escondido, CA 92025

PROPOSED LEASE:

LAND TYPE AND LOCATION:

Sovereign land in the San Elijo Lagoon and the Pacific Ocean, city of Encinitas, San Diego County.

AUTHORIZED USE:

Use and maintenance of an existing treated-water conveyance pipeline and outfall; construction, use and maintenance of a new treated-water conveyance pipeline; and the decommissioning-in-place of the existing treated-water conveyance pipeline.

LEASE TERM:

20 years, beginning June 28, 2016.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall coordinate with the California Department of Fish and Wildlife (CDFW) as Lessee under Lease No. PRC 5328.9 for management of the State's San Elijo Lagoon parcel, to ensure that no activities conducted within the parcel interfere, conflict with, or

CALENDAR ITEM NO. **C63** (CONT'D)

otherwise impact CDFW's lease management responsibilities for the San Elijo Lagoon Ecological Reserve.

2. Within 60 days of Project completion, Lessee shall provide to Lessor a set of as-built drawings, a post-construction written narrative report, and revised Exhibits A and B describing the as-built location of the new land portion of the outfall pipeline and the decommissioned pipeline. If the as-built location falls outside the Lease Premises as described in the lease, revised Exhibits, if any, shall be incorporated into the Lease and shall supersede corresponding Exhibits upon review and written approval by Commission staff.
3. Lessee shall conduct external inspections of the outfall pipeline using diver/ROV video or high resolution side-scan sonar survey at least once every 2 years, and an integrity assessment of the outfall pipeline at least once every 5 years and when warranted by extraordinary circumstances such as an accident or a significant seismic event. If applicable, the side-scan sonar survey must be conducted by an operator permitted by the Commission to conduct such surveys using specific types of geophysical equipment subject to permit terms and conditions developed to minimize impacts to marine wildlife and the coastal environment (see www.slc.ca.gov/Programs/OGPP.html for information on the Commission's Low-Energy Offshore Geophysical Permit Program, how to apply for a permit, and a list of current permittees).
4. Lessee shall, at no cost to the State, remove all or any portion of any decommissioned improvements if such improvements are determined by the Commission to be adverse to the public interest or the environment, or become a hazard to navigation.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The San Elijo Water Reclamation Facility, jointly owned by the San Elijo Joint Powers Authority (JPA) and the city of Escondido, provides wastewater treatment for approximately 32,000 people within a 19-square-mile

CALENDAR ITEM NO. **C63** (CONT'D)

area around the San Elijo Lagoon. The facility is capable of producing up to 3.02 million gallons per day of tertiary treated wastewater for distribution to recycled water users, and up to 5.25 million gallons per day of secondary treated wastewater conveyed through the outfall pipeline to a point approximately 8,000 feet offshore in the Pacific Ocean.

The existing outfall pipeline consists of a segment within the lagoon and a segment offshore in the Pacific Ocean. Previously, the lagoon segment of the pipeline was not under lease. The land within the lagoon where the 2,500-foot-long, 30-inch-diameter existing pipeline is located is sovereign land under the Commission's jurisdiction. The existing pipeline in the lagoon is reaching the end of its service life and must be replaced. The new pipeline will be placed on sovereign land within the lagoon via Horizontal Directional Drilling, which is a method of pipe placement that results in very little ground disturbance (the Project). This new pipeline in the lagoon will run roughly parallel to the existing pipeline. Once the new pipeline is installed, the old pipeline will be dewatered, capped, and decommissioned-in-place. The JPA considered removal of the existing pipeline, but determined that it was not feasible, principally due to environmental constraints. Removal would require open trenches to be dug across the lagoon, which would result in substantial impacts to wetlands, other sensitive habitat, and potentially to sensitive species. If the Commission determines that any portion of the decommissioned pipeline has become a hazard to the public or the environment, the Lessee will be required to remove that portion of the decommissioned pipeline.

The San Elijo Lagoon Ecological Reserve (Reserve) provides critical migrating waterfowl habitat and nesting sites for sensitive bird species, contributes to coastal fisheries replenishment by providing nursery habitat for young fish, and generally protects a tremendous diversity of plant and animal species. Wildlife viewing is available in the lagoon from eight hiking trails. The lease will require the JPA to coordinate with the CDFW, as Lessee under Lease No. PRC 5328.9 for management of the State's San Elijo Lagoon parcel, to ensure Project activities do not interfere, conflict with, or otherwise impact CDFW's lease management responsibilities for the Reserve.

The proposed lease activities and uses do not substantially interfere with public trust uses because the lease requires that the JPA not interfere with or otherwise restrict the public's access, use, and enjoyment of any State-owned lands or public easements in or near the Project area except as

CALENDAR ITEM NO. **C63** (CONT'D)

necessary to ensure public safety during Project construction. The lease further requires periodic testing of the offshore segment to ensure pipeline integrity. The pipelines in the lagoon will be located below ground, the new pipeline will be installed using a technique that minimizes ground disturbance, and the outfall is buried in the nearshore area and not accessible by the public. Commission staff believes this use of public land, by a public agency, for a public benefit will not substantially interfere with public trust uses in this location and for the term of the lease. .

Furthermore, the lease is for a limited term and it requires the Lessee to indemnify the State for any liability incurred as a result of the Lessee's activities thereon. For all the reasons above, Commission staff believes the issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On January 28, 1965, the Commission authorized the issuance of a Life-of-Structure Permit, for a term not to exceed 49 years, to the Cardiff Sanitation District and the Solana Beach Sanitation District as Tenants in Common, for the construction, operation, and maintenance of a sewer outfall line offshore of San Elijo Lagoon, to serve the San Elijo Water Reclamation Facility. On June 17, 1987, the two Districts created the San Elijo Joint Powers Authority (JPA), a government agency, to operate the facility. On March 8, 1994, the Commission authorized the assignment of the Permit to the San Elijo Joint Powers Authority.
3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. **Existing Outfall, and Pipeline to be Decommissioned-in-Place:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C63** (CONT'D)

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. **New Pipeline:** A Mitigated Negative Declaration, State Clearinghouse No. 2016011018, and a Mitigation Monitoring Program were prepared by the San Elijo Joint Powers Authority and adopted on March 7, 2016, for this Project. Commission staff has reviewed these documents.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

None

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
California Coastal Commission
California Regional Water Quality Control Board, San Diego Region
City of Encinitas
North County Transit District

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Outfall, and Pipeline to be Decommissioned-in-Place: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C63** (CONT'D)

New Pipeline: Find that a Mitigated Negative Declaration, State Clearinghouse No. 2016011018, and a Mitigation Monitoring Program were prepared by San Elijo Joint Powers Authority and adopted on March 7, 2016, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

PUBLIC TRUST AND STATE'S BEST INTERESTS FINDING:

Find that the proposed lease for the existing pipeline and outfall, the new pipeline, and the decommissioning of an existing pipeline will not substantially interfere with public trust needs and values at this location at this time, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the San Elijo Joint Powers Authority and the City of Escondido beginning June 28, 2016, for a term of 20 years, for the use and maintenance of an existing treated-water conveyance pipeline and outfall; construction, use and maintenance of a new treated-water conveyance pipeline; and the decommissioning-in-place of the existing treated-water conveyance pipeline, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.
2. Authorize the Executive Officer or her designee to replace Exhibit A and B in the Lease, upon review of as-built plans, if the as-built location of the new treated-water conveyance pipeline falls outside the Lease Premises as described in the Lease on State-owned sovereign land.

**EXHIBIT "A-1" PRC 3228
LEGAL DESCRIPTION**

VESTING: STATE OF CALIFORNIA

APN: 261-191-07

THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS PARCEL 1-A IN GRANT DEED TO THE STATE OF CALIFORNIA RECORDED JUNE 1, 1977 AS FILE/PAGE NO. 77-211013 OF OFFICIAL RECORDS OF SAID COUNTY, BEING A 50.00 FOOT WIDE STRIP, 25.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON RECORD OF SURVEY NO. 5928 RECORDED AUGUST 7, 1961 AS FILE NO. 135364 IN THE OFFICE OF THE COUNTY RECORDED OF SAID COUNTY;

THENCE ALONG THE WEST LINE OF SAID SECTION 26 SOUTH 00°03'05" WEST (NORTH 00°27'39" WEST PER ROS 5928) 430.13 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF MANCHESTER AVENUE AS SHOWN ON SAID RECORD OF SURVEY, AND A POINT ON A NON-TANGENT 710.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, A RADIAL FROM SAID POINT BEARS SOUTH 03°59'12" EAST;

THENCE ALONG SAID RIGHT-OF-WAY, WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0°29'23" AN ARC LENGTH OF 6.07 FEET;

THENCE SOUTH 85°31'25" WEST 50.40 FEET TO THE BEGINNING OF A 790.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°34'20" AN ARC LENGTH OF 104.41 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 16°47'55" WEST 132.40 FEET TO THE BEGINNING OF A 1500.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°47'07" AN ARC LENGTH OF 1643.71 FEET;

THENCE SOUTH 79°35'02" WEST 446.28 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF XI-SD-2-A, BEING 50.00 FEET EAST OF THE CENTERLINE AS SHOWN ON CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP LO 9615, AND THE TERMINUS OF SAID CENTERLINE OF A 50.00 FOOT WIDE STRIP.

THE SIDELINES OF SAID 50.00 FOOT WIDE STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID SOUTHERLY RIGHT-OF-WAY OF MANCHESTER AVENUE ON THE NORTH END AND SAID EASTERLY RIGHT-OF-WAY OF XI-SD-2-A ON THE SOUTHWESTERLY END.

CONTAINING 1.161 ACRES MORE OR LESS

ATTACHED HERETO AND MADE A PART HEREOF THIS LEGAL DESCRIPTION IS A PLAT
LABELED EXHIBIT "B-1" CONSISTING OF 5 SHEETS

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY
DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

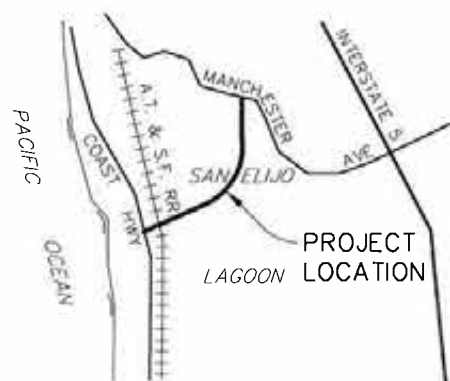
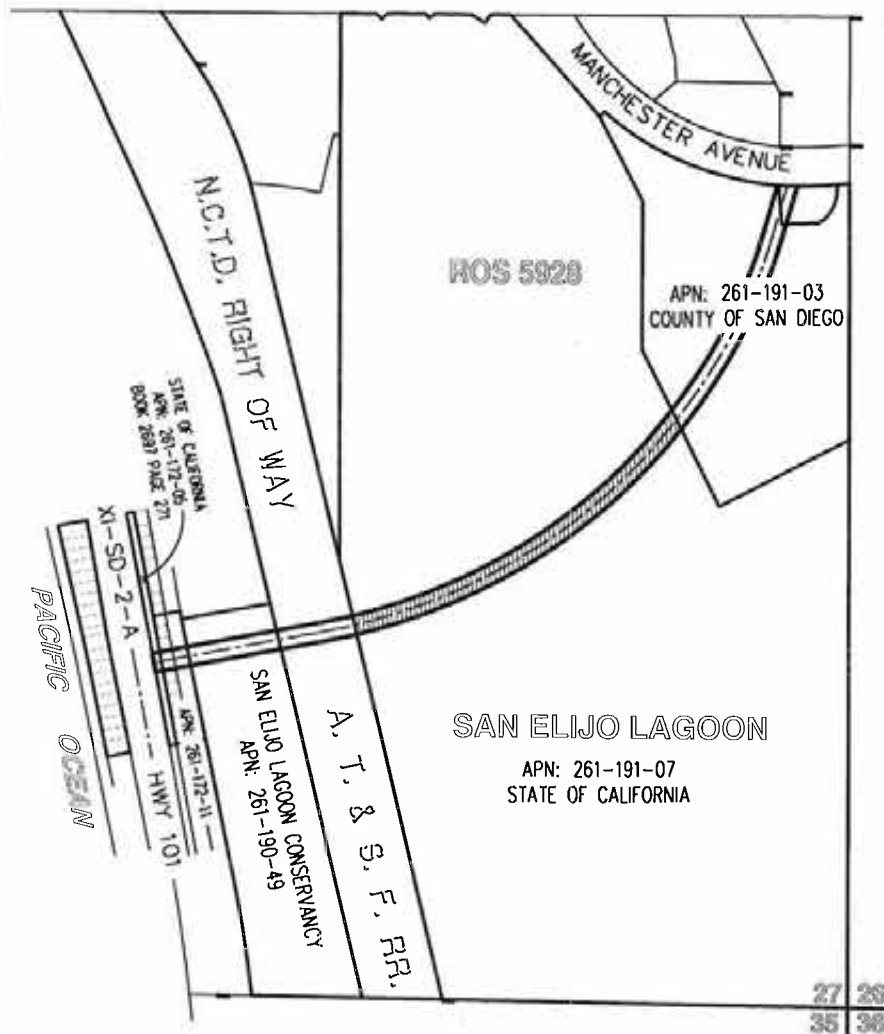


MICHAEL SCHLUMPBERGER, PLS 7790

June 16, 2016
DATE



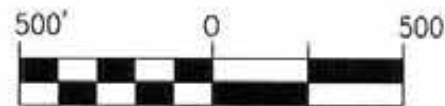
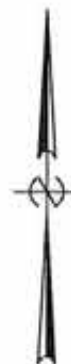
EXHIBIT "B-1"



VICINITY MAP
NO SCALE



DENOTES AREA OF LEASE
ACQUISITION.
1.161 ACRES MORE OR LESS.



GRAPHIC SCALE
1 INCH = 500FT.



THIS MAP WAS PREPARED BY ME OR UNDER
MY DIRECTION IN CONFORMANCE WITH THE
PROFESSIONAL LAND SURVEYOR'S ACT.

Michael L. Schlumberger June 14, 2016
MICHAEL L. SCHLUMBERGER DATE

Right-Of-Way Engineering Services, Inc.
Land Surveying
615 South Tremont Street • Oceanside, CA 92054
(760) 637-2700 row@roweng.net
Job no.: 1503-0007-11

NOTE: DATA SHOWN HEREON IS
BASED ON RECORD INFORMATION.

SAN ELIJO JOINT POWERS AUTHORITY

VESTING: STATE OF CALIFORNIA

DATE: MAY 24, 2016

SHEET 1 OF 5

EXHIBIT "B-1"

P.O.C.
WEST 1/4 COR.
SEC. 26

CURVE DATA

C1 $\Delta=0^{\circ}29'23''$ $R=710.00'$ $L=6.07'$
C2 $\Delta=7^{\circ}34'20''$ $R=790.00'$ $L=104.41'$

LINE DATA

L1 S $85^{\circ}31'25''$ W 50.40'

APN: 261-010-13
SAN ELIJO JOINT POWERS
AUTHORITY

S $00^{\circ}03'05''$ W 430.13'

MANCHESTER

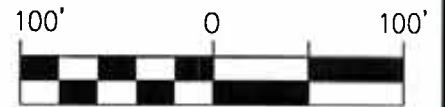
AVENUE

T.P.O.B.

APN: 261-191-04
CARDIFF SANITATION
DISTRICT

APN: 261-191-03
COUNTY OF SAN DIEGO
F/P NO. 82-345977 O.R.

⊞ DENOTES AREA OF LEASE
ACQUISITION.
1.161 ACRES MORE OR LESS.



GRAPHIC SCALE
1 INCH = 100 FT.

○ SEE SHEET 5 FOR
EASEMENT INFORMATION

NOTE: DATA SHOWN HEREON IS
BASED ON RECORD INFORMATION.

SAN ELIJO JOINT POWERS AUTHORITY

VESTING: STATE OF CALIFORNIA

DATE: MAY 24, 2016

SHEET 2 OF 5

SEE SHEET 3



SCALE 1"=100'

EXHIBIT "B-1"

SEE SHEET 2

ROS 5928

APN: 261-191-03
COUNTY OF SAN DIEGO
F/P NO. 82-345977 O.R.

SAN ELIJO LAGOON

APN: 261-191-07
STATE OF CALIFORNIA
F/P NO. 77-211013 O.R.

NOTE: DATA SHOWN HEREON IS
BASED ON RECORD INFORMATION.

SAN ELIJO JOINT POWERS AUTHORITY

VESTING: STATE OF CALIFORNIA

DATE: MAY 24, 2016

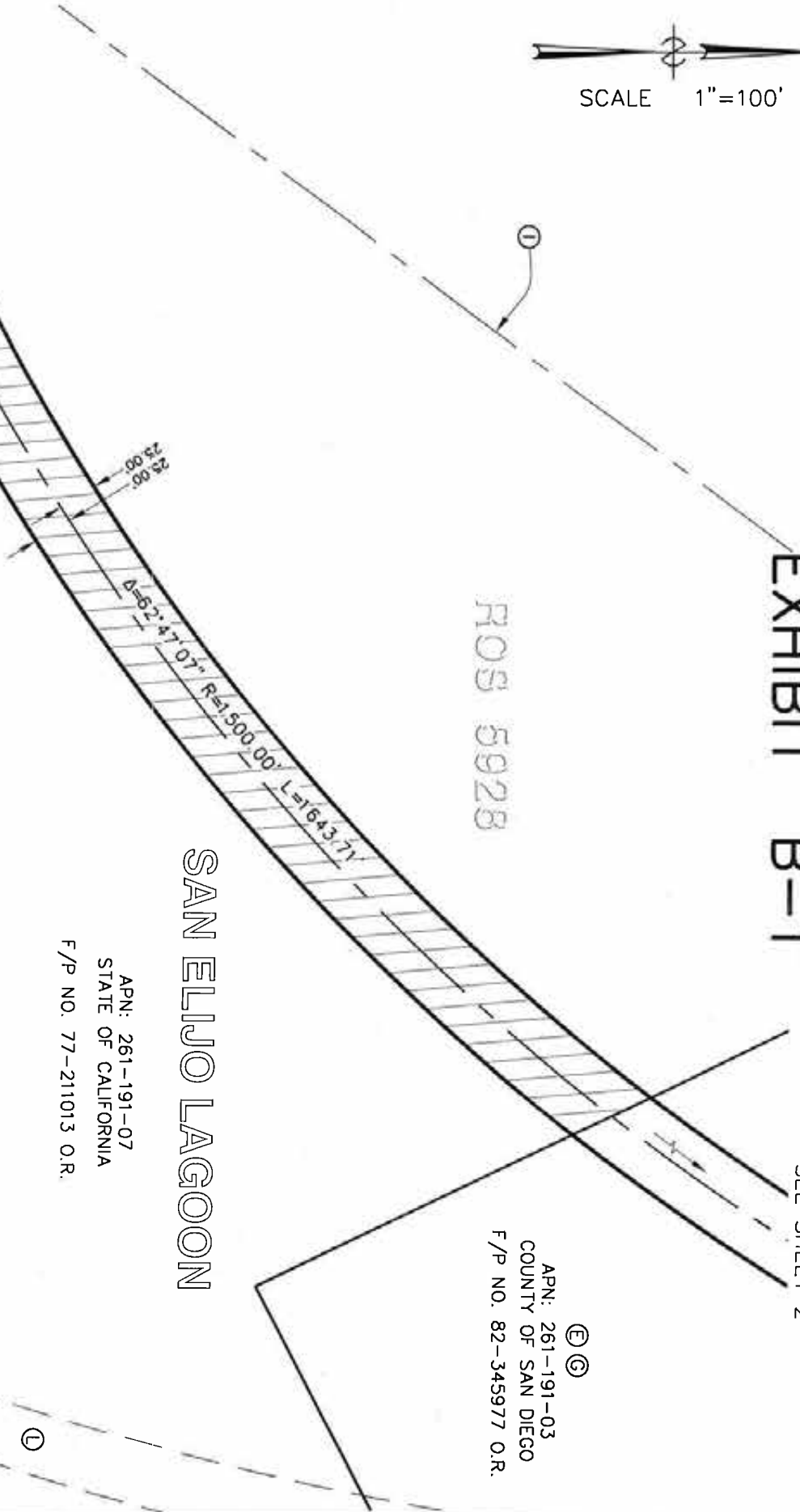
SHEET 3 OF 5



DENOTES AREA OF LEASE
ACQUISITION.
1.161 ACRES MORE OR LESS.

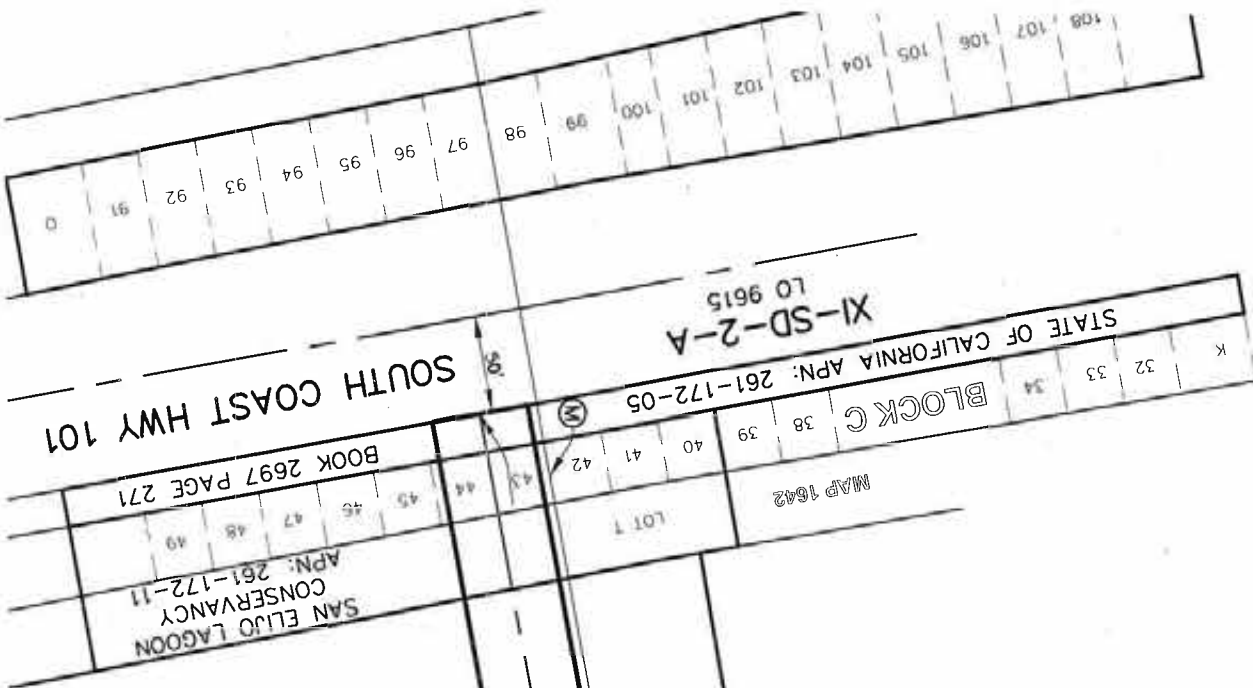
SEE SHEET 5 FOR
EASEMENT INFORMATION

SEE SHEET 4



NOTE: DATA SHOWN HEREON IS
BASED ON RECORD INFORMATION.

EXHIBIT "B-1"



SEE SHEET 5 FOR
EASEMENT INFORMATION

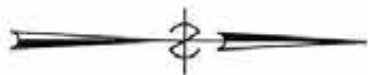
SAN ELIJO LAGOON
CONSERVANCY
APN: 261-190-49
2002-1197849

N.C.T.D. RIGHT OF WAY
A.T. & S.F. R/R

PORTION OF
APN: 261-190-38

$\Delta = 62.47' 07''$
 $L = 1643.71'$
 $R = 1500.00'$

SEE SHEET 3



SAN ELIJO JOINT POWERS AUTHORITY

VESTING: STATE OF CALIFORNIA

DATE: MAY 24, 2016

SHEET 4 OF 5

DENOTES AREA OF LEASE
ACQUISITION.
1.161 ACRES MORE OR LESS.



EXHIBIT "B-1"

EXISTING EASEMENTS

- (A) RIGHT OF ENTRY TO THE CITY OF ESCONDIDO REC. 3/13/1972 AS F/P 72-91540 AND PIPELINE EASEMENT TO THE CITY OF ESCONDIDO REC. 4/23/1974 AS F/P 74-103048 O.R.
- (B) PUBLIC ACCESS EASEMENT REC. 11/26/1986 AS F/P 86-549238 O.R.
- (C) UNDERGROUND PIPELINE EASEMENT TO THE CITY OF SOLANA BEACH REC. 6/22/2007 AS DOC# 2007-0422720
- (D) $\frac{1}{4}$ OF 20' WIDE CARDIFF SANITATION DISTRICT EASEMENT RESERVED IN DEED REC. 3/9/1965 AS F/P 41140
- (E) 25 YEAR LEASE TO THE STATE OF CALIFORNIA FOR SAN ELIJO LAGOON PUBLIC ACCESS REC. 8/28/1986 AS F/P 86-0375290
- (F) EASEMENT TO SDGE 3' EACH SIDE OF ALL FACILITIES INSTALLED BY MAY 14, 2009 AND 8' IN FRONT OF TRANSFORMER DOORS REC. 8/5/2008 AS DOC#2008-0417656
- (G) 40' ROAD EASEMENT TO THE COUNTY OF SAN DIEGO REC. 6/6/1901 IN BOOK 311, PAGE 113 OF DEEDS. UNABLE TO PLOT
- (H) $\frac{1}{4}$ 24' WIDE UTILITY, INGRESS AND EGRESS EASEMENT TO SDG&E REC. 1/17/1917 IN BOOK 730 PAGE 9
- (I) $\frac{1}{4}$ OF 20' WIDE EASEMENT TO SOLANA BEACH SANITATION DISTRICT AND CARDIFF SANITATION DISTRICT REC. 3/9/1965 AS F/P 65-41131 O.R.
- (J) $\frac{1}{4}$ OF 15' WIDE EASEMENT TO SOLANA BEACH SANITATION DISTRICT REC. 3/9/1965 AS F/P 65-41132 O.R.
- (K) PUBLIC UTILITY EASEMENT TO SDGE REC. 5/27/1992 AS DOC#1992-0321241
- (L) WASTEWATER PIPELINE EASEMENT TO THE CITY OF SOLANA BEACH REC. 5/14/2010 AS DOC#2010-0244244
- (M) $\frac{1}{4}$ OF 15' WIDE EASEMENT TO SOLANA BEACH SANITATION DISTRICT AND CARDIFF SANITATION DISTRICT REC. 3/9/1965 AS F/P 65-41131 O.R.
- (N) $\frac{1}{4}$ OF 15' WIDE EASEMENT TO SOLANA BEACH SANITATION DISTRICT AND CARDIFF SANITATION DISTRICT REC. 2/17/1970 AS F/P 70-29482 O.R.

SAN ELIJO JOINT POWERS AUTHORITY

VESTING: STATE OF CALIFORNIA

DATE: MAY 24, 2016

SHEET 5 OF 5

EXHIBIT "A-2" PRC 3228
LEGAL DESCRIPTION

VESTING: STATE OF CALIFORNIA

APN: 261-191-07

ALL THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA BEING A STRIP 50.00 FOOT WIDE, LYING 25 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT STATION 305+43.33 ON THE CENTERLINE OF XI-SD-2-A, AS SHOWN ON THE COUNTY OF SAN DIEGO DEPARTMENT OF SPECIAL DISTRICT SERVICES AS-BUILT PLANS FOR THE CARDIFF SANITATION DISTRICT, SOLANA BEACH SANITATION DISTRICT LAND PORTION OF OCEAN OUTFALL, WORK ORDER NUMBER 2945, FILE NUMBER 7-1 SE ON FILE WITH THE SAN ELIJO JOINT POWERS AUTHORITY, LYING NORTH 10°57'00" WEST 545.20 FEET ALONG THE CENTERLINE OF XI-SD-2-A FROM P.O.T. STATION 299+98.13 AS SHOWN ON CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP LO 9614;

THENCE LEAVING SAID CENTERLINE ALONG THE OUTFALL ALIGNMENT SHOWN ON SAID AS-BUILT PLANS NORTH 78°59'20" WEST, 534.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 150.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°16'24" AN ARC LENGTH OF 45.22' TO THE EASTERLY LINE OF THE N.C.T.D. RIGHT OF WAY AS SHOWN ON RECORD OF SURVEY 20279 RECORDED AUGUST 29, 2008 AS FILE NO. 2008-0464955 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID N.C.T.D. RIGHT OF WAY CONTINUING ALONG SAID OUTFALL ALIGNMENT AND SAID CURVE THROUGH A CENTRAL ANGLE OF 25°49'11" AND ARC LENGTH OF 67.60 FEET;

THENCE NORTH 35°53'45" EAST 968.54 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 500.00 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°55'53" AN ARC LENGTH OF 173.93 FEET TO A COURSE HAVING A BEARING OF NORTH 0°13'58" WEST AND A LENGTH OF 390.38 FEET BEING ON THE NORTHERLY BOUNDARY OF THE SAN ELIJO LAGOON AS SHOWN ON SHEET 2 OF RECORD OF SURVEY 5928 RECORDED AUGUST 7, 1961 AS FILE NO. 135364 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND THE TERMINUS OF SAID 50.00 FOOT WIDE STRIP.

THE SIDELINES OF SAID 50.00 FOOT WIDE STRIP ARE TO BE LENGTHENED OR SHORTENED TO MEET AT ALL ANGLE POINTS, SAID EASTERLY LINE OF THE N.C.T.D. RIGHT OF WAY AND SAID NORTHERLY LINE OF THE SAN ELIJO LAGOON.

CONTAINING 1.389 ACRES MORE OR LESS.

ATTACHED HERETO AND MADE A PART HEREOF IS A PLAT LABELED EXHIBIT 'B-2' CONSISTING OF 2 SHEETS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE

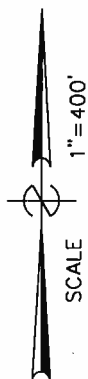

Michael L. Schlumpberger, PLS 7790

DATE

June 16, 2016



EXHIBIT "B-2"



POC

STATION 305+43.33
AS-BUILT OUTFALL
PLANS FILE NO. 7-1 SE

PACIFIC OCEAN

SOUTH COAST HWY 101
XI-SD-2-A

SEE DETAIL SHEET 2

ROS 20279

N.C.T.D. RIGHT OF WAY
A.T. & S.F. R/R

E 1/2 SE 1/4
SECTION 27
T13S R4W SBBM

$\Delta=19^{\circ}55'53''$
 $R=500.00'$
 $L=173.93'$

(AS SHOWN ON
ROS 5928)
(N00°13'58"W
390.38')

N35°53'45"E
968.54'

$\Delta=25^{\circ}49'11''$
 $R=150.00'$
 $L=67.60'$

TPOB

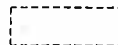
COUNTY OF SAN DIEGO
DEPARTMENT OF SPECIAL
DISTRICT SERVICES AS-BUILT
PLANS FOR THE CARDIFF
SANITATION DISTRICT, SOLANA
BEACH SANITATION DISTRICT
LAND PORTION OF OCEAN
OUTFALL, WORK ORDER NUMBER
2945, FILE NUMBER 7-1 SE

SAN ELIJO LAGOON

STATE OF CALIFORNIA
APN: 261-191-07

ROS 5928

27 26
35 36



AREA OF LEASE ACQUISITION
1.389 ACRES MORE OR LESS

Right-Of-Way Engineering Services, Inc.

615 South Tremont Street • Oceanside, CA 92054
(760) 637-2700 FAX (760) 637-2701
Job no: 1409-0033-11

SAN ELIJO
JOINT POWERS AUTHORITY

OWNER: STATE OF CALIFORNIA

DATE: JUNE 13, 2016

SHEET 1 OF 2

EXHIBIT "B-2"

N.C.T.D. RIGHT OF WAY
A.T. & S.F. R/R

ROS 5928

APN: 261-191-07

TPOB

$\Delta = 17^{\circ}16'24''$
 $R = 150.00'$
 $L = 45.22'$

PORTION OF APN: 261-190-38

ROS 20279

N78°59'20"E 534.01'

PORTION OF APN: 261-190-49

MAP 1642

LOT T

PORTION OF APN: 261-172-11

BLOCK C

38 39 40 41 42 43 44 45 46 47 48 49

PORTION OF APN: 261-172-11

XI-SD-2-A

LO 9615

SOUTH COAST HWY 101

N10°57'00"W 545.20'

LO 9614

POC

STATION
305+43.33
AS-BUILT
OUTFALL PLANS
FILE NO. 7-1 SE

© XI-SD-2-A
STATE HWY 101
LO MAP 9614 AND
LO 9615

WESTERLY R/W OF
XI-SD-2-A STATE
HWY 101
LO MAP 9615

STATION
299+98.13 POT
LO MAP 9614

SCALE 1"=100'

SAN ELIJO
JOINT POWERS AUTHORITY

OWNER: STATE OF CALIFORNIA

DATE: JUNE 13, 2016

SHEET 2 OF 2

**EXHIBIT "A-3" PRC 3228
LEGAL DESCRIPTION**

VESTING: STATE OF CALIFORNIA

APN: TIDE AND SUBMERGED LANDS WITHIN THE PACIFIC OCEAN

ALL THAT PORTION OF TIDE AND SUBMERGED LANDLYING WITHIN THE PACIFIC OCEAN, GULF OF SANTA CATALINA OFF CARDIFF STATE BEACH NEAR THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA , BEING A STRIP 30' WIDE, LYING 15 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT STATION 305+43.33 ON THE CENTERLINE OF XI-SD-2-A, AS SHOWN ON THE COUNTY OF SAN DIEGO DEPARTMENT OF SPECIAL DISTRICT SERVICES AS-BUILT PLANS FOR THE CARDIFF SANITATION DISTRICT, SOLANA BEACH SANITATION DISTRICT OCEAN OUTFALL, WORK ORDER NUMBER 2943, FILE NUMBER 7-3 SE ON FILE WITH THE SAN ELIJO JOINT POWERS AUTHORITY, LYING NORTH 10°57'00" WEST 545.20 FEET ALONG THE CENTERLINE OF XI-SD-2-A FROM P.O.T. STATION 299+98.13 AS SHOWN ON CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP LO 9614;

THENCE LEAVING SAID CENTERLINE ALONG THE OUTFALL ALIGNMENT SHOWN ON SAID AS-BUILT PLANS SOUTH 78°59'20" WEST, 57.24 FEET TO THE WESTERLY RIGHT OF WAY OF XI-SD-2-A AS SHOWN ON CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP LO 9615 AND THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID OUTFALL ALIGNMENT SOUTH 78°59'20" WEST 4041.00 FEET TO AN ANGLE POINT THEREIN;

THENCE CONTINUING ALONG SAID OUTFALL ALIGNMENT SOUTH 11°00'40" EAST 210.00 FEET TO THE END OF SAID OUTFALL AND THE BEGINNING OF THE SAN ELIJO OCEAN OUTFALL EXTENSION AS SHOWN ON THE PLANS FOR CONSTRUCTION DATED APRIL 1974, FILE S 364 G ON FILE WITH THE SAN ELIJO JOINT POWERS AUTHORITY;

THENCE LEAVING SAID OUTFALL ALIGNMENT, ALONG SAID OUTFALL EXTENSION SOUTH 11°00'40" EAST 41.00 FEET TO AN ANGLE POINT THEREIN;

THENCE CONTINUING ALONG SAID OUTFALL EXTENSION SOUTH 78°59'20" WEST 4015.00 FEET TO THE TERMINUS OF SAID 30.00 FOOT WIDE STRIP.

THE SIDELINES OF SAID 30.00 FOOT WIDE STRIP ARE TO BE LENGTHENED OR SHORTENED TO MEET AT ALL ANGLE POINTS AND SAID WESTERLY RIGHT OF WAY OF XI-SD-2-A.

EXCEPTING THEREFROM ANY PORTION LYING LANDWARD OF THE ORDINARY HIGH WATER MARK.

CONTAINING 5.72 ACRES MORE OR LESS.

ATTACHED HERETO AND MADE A PART HEREOF IS A PLAT LABELED EXHIBIT 'B-3' CONSISTING OF 1 PAGE.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE


Michael L. Schlumberger, PLS 7790

DATE June 16, 2016

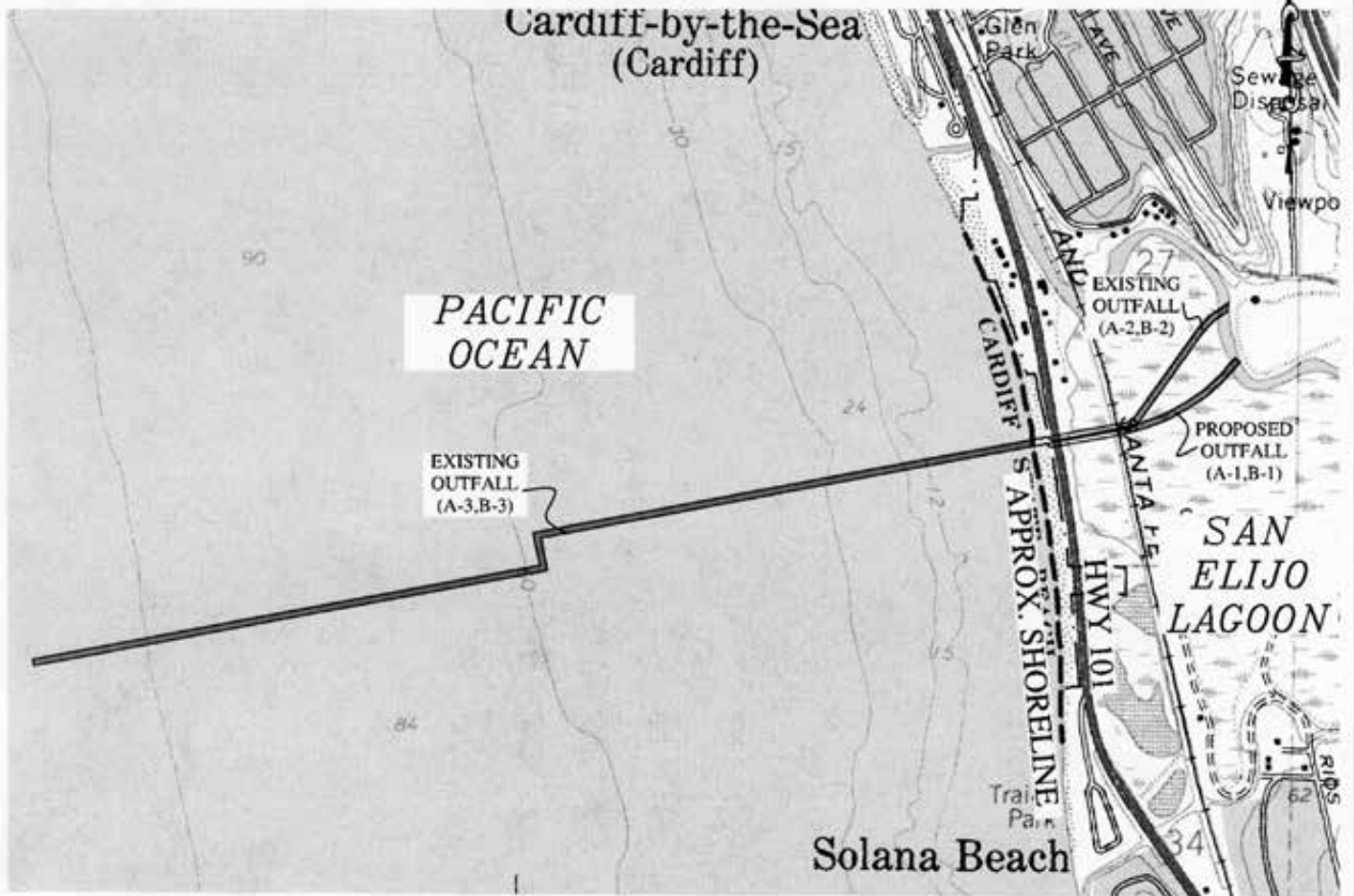


DETAIL

SHEET 1 OF 1

NO SCALE

SITE



SAN ELIJO LAGOON & PACIFIC OCEAN AT CARDIFF STATE BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3228.9

SAN ELIJO JOINT POWERS
AUTHORITY
GENERAL LEASE -
PUBLIC AGENCY USE
SAN DIEGO COUNTY



MJF 6/17/16

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
SAN ELIJO LAND OUTFALL REPLACEMENT PROJECT
(PRC # 3228.9, State Clearinghouse No. 2016011018)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the San Elijo Land Outfall Replacement Project (Project). The CEQA lead agency for the Project is San Elijo Joint Powers Authority.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted an MND; State Clearinghouse No. 2016011018, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below.

¹ The State CEQA Guidelines are found at California Code of Regulations, Title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures.

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Impacts to wildlife from construction equipment	MM BIO-1	None
Impacts to wildlife from grading and vegetation removal activities	MM BIO-2	None
Impacts to wildlife from clearing and/or grubbing activities	MM BIO-3	None
Impacts to the beach area	MM BIO-4	None
Impacts to environmental resources without Best Management Practices	MM BIO-5	None
Impacts to archaeological resources	MM CUL-1	See below
Impacts to paleontological resources	MM CUL-2	See below

MM-CUL-1: During project construction, a qualified archaeologist and a Native American monitor shall be retained to conduct an archaeological monitoring program. The archaeologist and the Native American monitor shall attend a pre-construction meeting with the contractor to explain the requirements of the monitoring program. The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor both shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed. If cultural material is encountered, the significance of the resources shall be determined by the archaeological Principal Investigator, in consultation with the Native American monitor and SEJPA staff. For significant resources, a recovery program shall be prepared and implemented to mitigate impacts before ground disturbing activities in the area of discovery are resumed. Collected artifacts shall be deposited at an institution with permanent curatorial facilities with accompanying catalog to current repository standards.

The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the State Lands Commission must be approved by the Commission.

MM-CUL-2: During project construction, the project applicant or construction contractor shall be required to retain the services of a paleontologist to implement a paleontological monitoring and recovery program. The paleontologist shall attend the project pre-construction meeting to discuss the excavation plan with the excavation contractor(s). The paleontologist or a paleontological monitor shall be on site during original cutting of previously undisturbed portions of the Del Mar Formation and/or terrace deposits. In the event that fossils are discovered, the project paleontologist shall

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

have the authority to temporarily halt or redirect construction activities in the area of discovery to allow recovery in a timely manner. Collected fossil remains shall be cleaned, sorted, catalogued, and deposited in an appropriate scientific institution such as the San Diego Museum of Natural History.

The final disposition of paleontological resources recovered on State lands under the jurisdiction of the State Lands Commission must be approved by the Commission.

ATTACHMENT C-1

Mitigation Monitoring Program Adopted by the San Elijo Joint Powers Authority

Attachment C-1

Mitigation Measure	Timing	Responsible Party	Completed	Initials	Notes (Optional)
Biological Resources					
BIO-1 If operation of construction equipment starts during the breeding seasons for the coastal California gnatcatcher (March 1 to August 15), least Bell's vireo (March 15 to September 15), Ridgway's rail (February 15 to August 15), western snowy plover (March 1 to September 30), and/or California least tern (March 1 to September 30), pre-construction survey(s) shall be conducted by a USFWS-permitted biologist (as applicable) to determine whether these species occur within the suitable habitat that is located within 500 feet of the construction activities. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential impact area, construction shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then construction shall: (1) be postponed until a permitted biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the development footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 A weighted decibels (dBA) or ambient. Decibel output will be confirmed by a qualified noise specialist and intermittent monitoring by a qualified biologist will be required to ensure that conditions have not changed.	Prior to construction/ During construction	SEJPA	<input type="checkbox"/>	_____	
BIO-2 If initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 through September 15), or during the breeding season for the western snowy plover and California least tern (March 1 to September 30), the project applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California FGC. The pre-construction survey shall be performed no more than three days prior to the commencement of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.	Prior to construction/ During construction	SEJPA	<input type="checkbox"/>	_____	

Mitigation Measure	Timing	Responsible Party	Completed	Initials	Notes (Optional)
BIO-3 Prior to construction, the project applicant or construction contractor shall retain a qualified biologist to monitor clearing and/or grubbing activities. The biological monitor shall attend pre-construction meetings and be present during the removal of vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area including, but not limited to, trenches, stockpiles, storage areas, and protective fencing. Before construction activities occur in areas containing sensitive biological resources, construction workers shall be educated by the biologist to recognize and avoid areas containing sensitive biological resources.	Prior to construction/ During construction	SEJPA	<input type="checkbox"/>	_____	
BIO-4 Prior to construction, temporary construction fencing shall be installed around the perimeter of the work area located on the beach. Fencing shall remain in place during all construction activities.	Prior to construction/ During construction	SEJPA	<input type="checkbox"/>	_____	
<p>BIO-5 The construction contractor shall implement BMPs, including but not limited to: maintaining the construction zone free of trash and debris; employing appropriate standard spill prevention practices and clean-up materials; installing and maintaining sediment and erosion control measures; maintaining effective control of fugitive dust; and properly storing, handling, and disposing of all toxins and pollutants including waste materials.</p> <p>Prior to construction, the following notes shall be included on the applicable construction plans to the satisfaction of the SEJPA (or their designee):</p> <ul style="list-style-type: none"> • A qualified biologist shall be on site to monitor vegetation clearing and periodically thereafter to ensure implementation of appropriate resource protection measures. • Dewatering shall be conducted in accordance with standard regulations of the Regional Water Quality Control Board. A permit to discharge water from dewatering activities will be required. • During construction, material stockpiles shall be placed such that they (1) cause minimal interference with on-site drainage patterns, and (2) are outside the high tide line. • Material stockpiles shall be covered when not in use. 	Prior to construction/ During construction	SEJPA	<input type="checkbox"/>	_____	

Mitigation Measure	Timing	Responsible Party	Completed	Initials	Notes (Optional)
Cultural Resources					
CUL-1 During project construction, a qualified archaeologist and a Native American monitor shall be retained to conduct an archaeological monitoring program. The archaeologist and the Native American monitor shall attend a pre-construction meeting with the contractor to explain the requirements of the monitoring program. The archaeologist and the Native American monitor shall be present to monitor ground-disturbing activities, including brushing/grubbing, grading, and trenching. If cultural material is encountered, the archaeologist and the Native American monitor both shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity while the cultural material is documented and assessed. If cultural material is encountered, the significance of the resources shall be determined by the archaeological Principal Investigator, in consultation with the Native American monitor and SEJPA staff. For significant resources, a recovery program shall be prepared and implemented to mitigate impacts before ground disturbing activities in the area of discovery are resumed. Collected artifacts shall be deposited at an institution with permanent curatorial facilities with accompanying catalog to current repository standards.	During construction	SEJPA	<input type="checkbox"/>	_____	
CUL-2 During project construction, the project applicant or construction contractor shall be required to retain the services of a paleontologist to implement a paleontological monitoring and recovery program. The paleontologist shall attend the project pre-construction meeting to discuss the excavation plan with the excavation contractor(s). The paleontologist or a paleontological monitor shall be on site during original cutting of previously undisturbed portions of the Del Mar Formation and/or terrace deposits. In the event that fossils are discovered, the project paleontologist shall have the authority to temporarily halt or redirect construction activities in the area of discovery to allow recovery in a timely manner. Collected fossil remains shall be cleaned, sorted, catalogued, and deposited in an appropriate scientific institution such as the San Diego Museum of Natural History.	During construction	SEJPA	<input type="checkbox"/>	_____	